IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6264 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PERSTORP AEGIS CHEMICALS LTD

Versus

GUJARAT STATE KAMDAR SABHA

Appearance:

1. Special Civil Application No. 6264 of 2000
M/S THAKKAR ASSOC. for Petitioner No. 1
MR AK CLERK for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 12/07/2001

ORAL JUDGEMENT

The present petition is filed challenging the order below exh.20 in Industrial Employment (Standing Order) No.2 of 1999 dated 22.3.2000. By the impugned order the Labour Court, Valsad, partly granted Exh.20

filed by the petitioner-company and rejected exh.2 filed by the respondent-union for the interim relief and fixed exh.1 - original application for hearing on 27.3.2000. The learned advocate for the petitioner submitted that under the provisions of Section 13A of the Industrial Employment (Standing Order) Act, the Court has the power only to decide the questions regarding the application or interpretation of the standing order and therefore as the application stands, a copy of which is produced at Annexure-A, the same cannot be entertained by the Labour Court.

2 Mr Clerk, learned advocate for the respondent-union, invited the attention of the Court to the relevant portion of the order wherein it is stated that exh.51 - application given by the Union stood decided by the decision on exh.20, which is the application filed by the petitioner. He also submitted that on reading the contents of Exh.52 (a copy of which is made available by the learned advocate for the petitioner) it is clear that the question regarding the applicability of the standing orders does arise. It is pointed out by the learned advocate for the petitioner that exh.52 is already granted and therefore the original application will be decided as amended which will have a question of applicability of the Standing Orders. In the result, the ground of challenge of petitioner does not survive.

3 It is however clarified that it will be open for both the parties to make their submissions on the original application amended as per order below exh.52 with regard to jurisdiction of the Labour Court. Any observations made herein shall have no effect on deciding the application on merits in accordance with law.

4 The present petition fails and the same is rejected. Ad interim relief granted earlier stands vacated.

(Ravi R Tripathi, J.)
(mohd)